

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

August 11, 2005

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 11, 2005, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Morris K. Dunlap, Chair; Harold Warner Jr. Vice-Chair; James Barfield; Darrell Downing; John W. McKay Jr. (in @ 1:50); Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Denise Sherman; Bud Hentzen; and Ronald Marnell. Bill Johnson; Gary K. Gibbs and Hoyt Hillman were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jess McNeely, Associate Planner; David Barber, Advanced Plans Manager; and Rose Simmering, Recording Secretary.

1. Approval of July 28, 2005 meeting minutes.

MOTION: To approve the July 28, 2005 meeting minutes.

BARFIELD moved, **WARNER** seconded the motion, and it carried 10-0.

❖ SUBDIVISION ITEMS

2. Consideration of Subdivision Committee recommendations.

2-1. SUB 2005-62: One-Step Final Plat -- THE TIMBERLANDS ADDITION, located north of Harry and west of 127th Street East.

NOTE: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. The sewer lateral for the house on Lot 2, Block 2 needs to be relocated from Timberlands. Since the west side of lots 3, 4 & 5, Block 2 are served by sanitary sewer, a short sewer main extension will be needed for the existing house on lot 2 to keep the lateral from being located under pavement.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City/County Engineering** needs to comment on the status of the applicant's drainage plan. **County Engineering has received a drainage plan. The drainage easement should be shown as floodway reserve and referenced in plat's text. A detailed flood study is needed to comply with FEMA. Floodway boundaries need to be adjusted to reflect flood study elevations.**
The drainage plan must be approved by County Engineering prior to MAPC.
- D. **County/Traffic Engineering** needs to comment on the access controls. The plat denotes two openings along 127th St. East in addition to a street opening. **County/Traffic Engineering have approved one opening along 127th St. East for Lot 1, Block 2.**
- E. Although the plat denotes a 60-ft street dedication along 127th St. E, the Applicant requests a 50-ft right-of-way. The Access Management Regulations requires a 60-ft half-street right-of-way width along urban arterials.
The Subdivision Committee has required a 60-ft right-of-way along 127th St. E.
- F. The County has required annexation of all of 127th St. East to City of Wichita.
- G. **County Surveying** advises that the "Common Cor., Woodland Lakes Estates Third Addition/ Woodland Lakes Estates Fourth Addition" is actually 3 feet South of where arrow points.
- H. The final plat tracing needs to denote right-of-way lines of 70 feet to the West.
- I. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- J. The Applicant has platted a 20-ft building setback along Lots 8-10, Block 2 which represents an adjustment of the Zoning Code standard of 25 feet for the SF-5, Single-Family District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- K. The Applicant is advised that if platted, the building setbacks along 127th St. East must be 85 feet from the centerline of the street to conform with the Zoning setback standard for County section line roads.

- L. The building setback along the South line of Lot 2, Block 2 needs corrected
- M. GIS needs to comment on the plat's street names. **Timberlands and Timberlands Ct needs revised to Zimmerly and Zimmerly Ct.**
- N. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lot 7, Block 2. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To defer the item to give the applicant time to complete the drainage plan and have it approved by County Engineering prior to bringing it back to MAPC which was the recommendation of the Subdivision Committee.

MITCHELL moved, **ALDRICH** seconded the motion, and it carried 10-0.

- 2-2. **SUB 2005-63: Final Plat -- COUNTRY HOLLOW ADDITION,** located south of Kellogg and on the east side of 127th Street East.

NOTE: This site is located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation. The site adjoins the proposed southeast expressway interchange along the north property line.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted. **The site has been annexed into the City of Wichita.**
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. The water main on Country Hollow needs to be 12".
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage guarantee is needed. An**

off-site drainage agreement needs to be provided. County Engineering has requested the drainage plan denote the sizing of structures for the 100-year flood. A four-corner lot grading plan is needed.

- D. As drainage will be directed onto the KDOT right-of-way, a letter shall be provided from KDOT, indicating their agreement to accept such drainage.
- E. The County has required annexation of 127th St. across the frontage of the plat.
- F. **Traffic Engineering has requested a right-turn decel lane along 127th St. East.**
- G. **Traffic Engineering** has approved the 58-ft right-of-way for Country Hollow with a restrictive covenant prohibiting on-street parking.
- H. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- I. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- J. Since Reserve E includes a swimming pool, a site plan shall be submitted with the final plat, for review and approval by the Planning Director. The site plan shall include the information indicated in the Subdivision Regulations. Otherwise a conditional use and public hearing will be needed in the future. **Department of Environmental Health** also advises of the need for plan review prior to licensing of the pool.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- N. **GIS** needs to comment on the plat's street names. **Country Hollow and Country Hollow Ct need to be revised to Gilbert and Gilbert Ct. The street stub to the south needs to be spelled "Sierra Hills".**
- O. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City of Wichita.
- P. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- Q. The applicant shall contact the pipeline company regarding street crossings.
- R. The wall easement shall be referenced in the plat's text.
- S. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- T. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- W. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of

Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- BB. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. SBC has requested additional easements.
- CC. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

BARFIELD moved, **ALDRICH** seconded the motion, and it carried 10-0.

2-3. SUB 2005-67: Final Plat -- STEFFENS' ESTATES ADDITION, located south of 103rd Street South and east of Meridian.

NOTE: This site is located in the County in an area designated as "rural" by the Wichita-Sedgwick County Comprehensive Plan.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum has been obtained specifying approval.
- B. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a water availability evaluation must be provided to **Sedgwick County Code Enforcement** to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water. The Subdivision Committee has recommended a waiver of this requirement.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. The drainage plan has been approved.
- E. **Sedgwick County Fire Department** advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.

The Subdivision Committee has approved the plat subject to appeal of this condition to the County Board of Fire Appeals. Sedgwick County Fire Department has approved the plat as submitted.
- F. The private street providing access to this plat needs to be built to County road standards. A guarantee shall be provided.

The Subdivision Committee has approved the plat subject to appeal of this condition to the County Board of Fire Appeals. Sedgwick County Fire Department has approved the plat as an acceptable alternative to include the existing 20-ft private road subject to submittal of a maintenance agreement, posting of signage at 103rd St. South to include addresses, and compliance with the single-service drive standards.
- G. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- H. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. A modification has been approved.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

BARFIELD moved, **ALDRICH** seconded the motion, and it carried 10-0.

2-4. SUB 2005-79: One-Step Final Plat -- THE FAIRMONT FOURTH ADDITION, located north of 21st Street North and west of 127th Street East.

NOTE: This is a replat of Lot 17, Block B, and Lot 1, Block C in the Fairmont Addition. A street stub is proposed to be vacated due to proposed industrial development (Greenwich Business Center Addition) to the north.

STAFF COMMENTS:

- A. Petitions have been provided with Fairmont Addition for sewer, water, drainage and paving improvements. City Engineering has requested new guarantees.
- B. Debt Management has requested the submission of a respread agreement for special assessments due to the lot reconfiguration.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved.
- D. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, the above covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- E. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- F. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- G. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- I. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- K. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- N. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- O. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

BARFIELD moved, **ALDRICH** seconded the motion, and it carried 10-0.

2-5. SUB 2005-76: One-Step Final Plat -- NEWMARKET SQUARE PHASE II ADDITION, located on the west side of Maize Road and north of 21st Street North.

NOTE: This is a replat of Lot 1, Block 1, of the Newmarket Square Addition. The site is subject to Protective Overlay (P-O #36) addressing uses, screening, signage, building height and architectural design.

STAFF COMMENTS:

- A. Municipal services are available to serve the site.
- B. **Debt Management** has requested the submission of a respread agreement for special assessments due to the lot reconfiguration.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes one opening along Maize Road. **Access controls are approved.**
- F. A cross-lot access agreement shall be submitted that permits cross-lot access through Lot 1 for the benefit of Lots 2 and 3.
- G. The perimeters of the proposed lots shall match the perimeters of the Protective Overlay parcel boundaries. An administrative adjustment will need to be approved.
- H. A PO Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PO and its special conditions for development on this property.
- I. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

BARFIELD moved, **ALDRICH** seconded the motion, and it carried 10-0.

❖ **PUBLIC HEARINGS – VACATION ITEM**

3-1. VAC 2005-28: Request to Vacate a Portion of a Platted Alley.

<u>APPLICANTS/OWNERS:</u>	MSI Inc c/o Pat Johnson JD Walker Steven & Marilyn Southern
<u>LEGAL DESCRIPTION:</u>	That portion of the platted 16-foot alley (ROW) that begins immediately north of the 13 th Street North ROW and runs between Lot 14, Mentzer's Subdivision, Lot 125, Roser's Subdivision, Lots 113-97, odd and Lots 114-98, even, all in the North Park Addition, Wichita, Sedgwick County, Kansas
<u>LOCATION:</u>	Generally located between 13 th Street North – Saint Francis Avenue – 14 th Street North – Santa Fe Avenue (Council District I)
<u>REASON FOR REQUEST:</u>	Improve security and improve freight access all due to the same business being on both sides of the alley
<u>CURRENT ZONING:</u>	Site is public ROW. Properties north of the site are zoned "LI" Limited Industrial and "TF-3" Duplex Residential. Properties abutting the site's west side are zoned "GC" General Commercial and "TF-3". Properties abutting the east side are zoned "LI". The abutting south property is public ROW.

The applicants are requesting consideration to vacate the 16-foot wide (x) approximately 350-foot long portion of a north-south platted alley that runs between the previously described lots and ends at its south end at its intersection with 13th Street North. The proposed vacated portion of the alley does not extend to 14th Street North. The applicant has proposed to provide access onto Santa Fe Avenue to prevent the alley from dead-ending. There is a sewer line and manholes in the length of the alley. Westar has equipment in the alley. All the abutting property owners have signed the petition and application to vacate. The North Park Addition was recorded with the Register of Deeds February 16, 1886. The Roser's Subdivision of the North Park Addition was recorded with the Register of Deeds June 4, 1887. The Mentzer's Subdivision of the North Park Addition was recorded with the Register of Deeds February 6, 1888.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted alley ROW, as described with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 21, 2005 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described portions of the platted alley ROW and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the portion of the platted alley ROW, described in the petition should be approved with conditions:

- (1) Vacate that portion of the alley as described.
- (2) Retain the alley as a utility easement. Dedicate an additional 2-foot of easement from the abutting eastern properties. Dedicate an additional 2-foot of easement from the abutting western properties. These dedications must be provided to Planning Staff for recording with the Vacation Order at the Register of Deeds. Water and Sewer has requested that they be allowed to scope the sewer line, which was built in 1906, prior to the case proceeding to WCC for final action. If the line needs to be replaced or repaired Water and Sewer want to be able to perform any required maintenance prior to any improvements being made over the alley where the sewer line is located.
- (3) Provide access from the alley to Santa Fe Avenue, as approved by Fire and provide a petition for the paving of the dedicated right-of-way to Santa Fe Avenue. Provide to the Planning Department for recording with the Register of Deeds with the Vacation Order
- (4) Provide all utilities and the Fire department with access onto the vacated portion of the alley if it is gated and locked.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. If utilities are moved the alley shall be retained as an easement until all utilities have been relocated and easements have been provided. All public utility easements must be recorded with this Vacation Order
- (6) All improvements shall be according to City Standards, including a Petition for future paving of the alley dedication; and including private drive entrances onto public ROW or if closing the alley provide a guarantee for the closing of the alley return onto 13th Street North and the continuation of the curbing.
- (7) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion of the alley as described.
- (2) Retain the alley as a utility easement. Dedicate an additional 2-foot of easement from the abutting eastern properties. Dedicate an additional 2-foot of easement from the abutting western properties. These dedications must be provided to Planning Staff for recording with the Vacation Order at the Register of Deeds. Water and Sewer has requested that they be allowed to scope the sewer line, which was built in 1906, prior to the case proceeding to WCC for final action. If the line needs to be replaced or repaired Water and Sewer want to be able to perform any required maintenance prior to any improvements being made over the alley where the sewer line is located.
- (3) Provide access from the alley to Santa Fe Avenue, as approved by Fire and provide to the Planning Department for recording with the Register of Deeds with the Vacation Order.
- (4) Provide all utilities and the Fire department with access onto the vacated portion of the alley if it is gated and locked.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. If utilities are moved the alley shall be retained as an easement until all utilities have been relocated and easements have been provided. All public utility easements must be recorded with this Vacation Order.
- (6) All improvements shall be according to City Standards including a Petition for future paving of the alley dedication; and including private drive, including private drive entrances onto public ROW or if closing the alley provide a guarantee for the closing of the alley return onto 13th Street North and the continuation of the curbing.
- (7) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

LONGNECKER On Condition 3 under the Subdivision Committee Recommendation, they did make the recommendation that is different than what you have in the staff report. It was approved to dedicate public right-of-way and provide a petition for the paving.

BARFIELD Has the applicant been informed of that change?

LONGNECKER Yes, the applicant has been informed.

MOTION: Approve subject to the conditions as approved by the Subdivision Committee, which includes the following change to Condition #3: Dedicate 20-foot public ROW from where the existing alley to Santa Fe Avenue, as approved by Public Works and Fire. Provide the Planning Department with the dedication for recording with the Register of Deeds with the Vacation Order. Provide Public Works with a petition for paving for the dedication of right-of-way to Santa Fe.

WARNER moved, **DOWNING** seconded the motion, and it carried 10-0.

❖ **PUBLIC HEARINGS**

4. Case No.: DR2004-16 – Request Adoption of the Central Northeast Area Plan Update

Generally located South of the Union Pacific Railroad tracks, west of Edgemoor, north of Kellogg, and east of Mosley

Background: On July 14, 2005, the Metropolitan Area Planning Commission received a briefing on the proposed Central Northeast Area Plan Update. Following the briefing, the MAPC indicated its support for the Plan and passed a motion setting a public hearing date of August 11, 2005 to hear formal public feedback on the proposed Plan.

The Central Northeast Area Plan Update Steering Committee has been developing the Plan over last seven months. The Committee feels that they have now developed a final plan for the revitalization of the Central Northeast Area that has broad-based area-wide support. The supporting organizations include twelve active neighborhood associations, two community housing development organizations, community organizations, and City and County officials.

Summary of the Central Northeast Area Plan

The Plan Update identifies the greatest priorities for the Central Northeast Area, as identified by community stakeholders, and presents initiatives that neighborhood associations can utilize to improve their community. The Plan Update includes the following items.

- ☐ **Key indicators** that show trends in the Central Northeast Area from 1995 to 2005.
- ☐ A **vision statement** that presents the community vision for the future.
- ☐ A summary of **successes and milestones** for the Area.
- ☐ **Eleven priorities** that address important problems and issues in the Central Northeast Area.
 1. Increase Neighborhood Capacity
 2. Housing Repair
 3. Neighborhood Clean-Up
 4. Neighborhood Watch and Community Safety
 5. Encourage More Neighborhood-Serving Retail and Personal Services
 6. Retain and Attract New Businesses and Jobs
 7. Improve the Quality of Life for Area Children
 8. Promote New Home Construction
 9. Initiate a Neighborhood and Personal Pride Campaign
 10. Improve Neighborhood Infrastructure
 11. Improve Area Recreational Opportunities
- ☐ **Forty-three detailed initiatives** to implement the eleven Area priorities.

The Plan Update includes tentative cost estimates for a small number of initiatives for which estimates could be calculated. The majority of initiatives do not identify cost estimates, as they cannot be calculated at this time. The costs for these initiatives/projects will be developed once neighborhood associations begin to identify their specific needs. The adoption of the Central Northeast Area Plan Update does not commit any funding, but does acknowledge that the identified initiatives are important to the community.

A presentation of the draft Plan Update was made to DAB I on July 11th and received full endorsement from the Board.

Recommended Action: That the MAPC pass a resolution adopting the Central Northeast Area Plan Update, September 2005, as an element of the Wichita-Sedgwick County Comprehensive Plan.

DUNLAP The 1995 Plan was never adopted by City Council do you know why it was not adopted by WCC? Also what process do we have in place today to insure that this plan moves forward and doesn't get forgotten?

DUNLAP Did it go to WCC and got turned down?

DAVID BARBER Apparently this plan was presented to WCC in a workshop but it never moved to their regular WCC Agenda, nobody really knows. This plan went to the DAB about a month ago and following the action today we will be making presentation to WCC and BOCC for their official action.

DUNLAP That will be a formal action on their part?

BARBER Yes, this will go before the governing bodies as a vote.

BARFIELD On page 6, the second paragraph the first sentence "Nearly a decade has passed since the 1995 Northeast Area Plan was completed and many of the issues facing the northeast community have remained the same." In my estimation that is because of a lack funding, what have you done to identify funding?

WADLE At this point a lot of the initiatives that we point out in the document really can't have funding attached to them because there is still the level of detail that the neighborhoods need to provide about what improvements that they necessarily need. Where do they need street lights, sidewalks, what year?

BARFIELD Without funding this is nothing but a wish list. What you list as priority #6 should be #1 that is "retain and attract new businesses and jobs." When I come over to page 22 on the short term, mid term, long term you have nothing listed so how can we start to do the things we need to do when the biggest issue is lack of jobs and businesses and a lack of funding?

WADLE The steering committee and neighborhood felt these things needed to be into some kind of order but they are not listed as priorities.

BARFIELD This looks good on paper but we are going to have to get some funding sources listed. The city has under-funded this area for a longtime.

WADLE What we are trying to do with this document is to show people and neighborhoods how they can get access to those funds on a continual basis.

BARFIELD What funds?

WADLE Please look at page 97, Pave Dirt Streets, we define the initiative, define the timeline, and develop a Plan of Action, Review Current Policy, Develop New Policies, Seek Funding, Lead Organization.

BARFIELD Look on page 18, under Business, it says, "providing more venture capital and investment in area businesses." Have you identified sources of funding for the venture capital and the investment capital?

WADLE We have identified partners to get access to that funding. On page 73 there are some main points about how to get hooked up to the programs and lots of encouragement on where and how to get together to met the needs to the people in this community.

BARFIELD On page 18, on the second bullet states, "making absentee landlords responsible and accountable property owners in the community." I don't like the word "making" perhaps we could use the word "encouraging".

WADLE How about "holding them accountable"?

ALDRICH I would like to say that this is an outstanding document. There is funding out there the CBDG and you can look for additional funding and I think it is a great plan.

SHERMAN I would like to say that I am in support of this document, and I understand Mr. Barfield your concerns. But I believe that the neighborhood getting together was to be appreciated and with the amount of investment this has brought the community together. I don't think that this document will sit on the shelf and it will be used as a tool and a launching pad to put into the action the vision. I believe in the steering committee and I do think this will go somewhere because the people standing behind it will make it happen.

MARNELL To the best of my recollection there is a fire station under construction, a new library, a City Hall, an entire 21st Street Revitalization Plan throughout this area. I support this plan.

BARFIELD I don't think anyone heard me say that nobody has done anything but the City has under funded this part of town for the last 50-75 years. If WSU was not sitting at the southeast corner of 21st Street and Hillside not a penny would have been spent on 21st Street.

DUNLAP I have a request for all of those steering committee members to stand up and be recognized. There are a couple of initiatives in this document and one of them is the "business incubator". We don't have one in our city so when that comes up I hope everyone will support that.

MOTION: To approve subject to staff recommendations and that this plan proceed to both the governing bodies for final approval.

DUNLAP moved, **SHERMAN** seconded the motion, and it carried 11-0.

5. **Case No.: CON2005-30** - City of Wichita - Water & Sewer Department, request a Conditional Use for sanitary sewer pump station, major utility on property described as;

That portion of 15th street situated between Jeanette Avenue on the West and Ferrell Avenue on the East in the SW/4 of Section 8, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located between Jeanette Street and Ferrell Drive, on 15th Street North.

BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a major utility. The major utility will be a sanitary sewer pump station with a force main line (pump station) that will replace an existing pump station with a gravity main line. The proposed pump station building will be approximately 320-sqaure feet in size. The proposed pump station is defined as a major utility, per Art.III, Sec.II-B, #13h & #13i of the Unified Zoning Code (UZY, see exhibit of definitions). A major utility is a Conditional Use in all zoning districts.

The subject site is the previously described portion of 15th Street North, a 40-foot (x) 100-foot platted, sand and gravel, residential public street right-of-way (ROW). The City is proposing to replat this portion of 15th Street along with the northern abutting "TF-3" Duplex Residential zoned Lots 211-217 (odd), Rich's Addition. The replatting will revert the site from public street ROW into a reserve, which the pump station will be located on. The abutting northern property will remain a single-family residence. The replatting of the ROW and the northern abutting "TF-3" property will bring that abutting property's "TF-3" zoning into the proposed reserve, as the ROW is being vacated during the platting process and reverting into a reserve for a public facility. The other abutting property, on the site's south side, is also zoned "TF-3" and is also developed as a single-family residence. Properties west of the site, across Jeanette Avenue are zoned "TF-3" and are developed as single-family residences. The Little Arkansas River is east of the site, across Ferrell Drive. The subject site is in the North Riverside Neighborhood, which is predominantly developed as single-family residences with "TF-3" and "SF-5" Single-family Residential zoning.

The proposed pump station will replace an existing pump station located at North High School, east and across the Little Arkansas River from the subject site. This pump station and its gravity flow main line were constructed in 1927. Replacing the existing pump station and main will reduce the possibility of sewage pollution in the area, which includes the Little Arkansas. The existing and replacement main line both cross or will cross the Little Arkansas to the subject site. The applicant has stated that the proposed site will have a force main, which will be a more efficient method of providing service to its area. The service area is more or less generally defined by the Little Arkansas on its east side, the Big Arkansas River and Amidon on its west side, 13th Street on its south side and 21st Street on its north side.

Odor from the site will be controlled by a biofilter in the vent stack and by locating the vent stack off site, along the Little Arkansas' bank, across Ferrell Drive. The pump station on the site will be housed in a 16-foot (x) 20-foot building constructed of concrete, with vinyl siding and a gable roof. The building will resemble a residential garage. A mechanic will visit the site every day between 7:30 AM and 4:00 PM. The average visit will be less than 30-minutes. The generator housed in the building will run once a week, for approximately 30-minutes, once a week (not on weekends) around 1:00 PM. It is proposed that the mechanic will park along the curb or in the proposed drive while on site.

The submitted site plan shows a 6-foot wooden fence along the entire width of the site's west side, where its ends at the Jeanette Avenue ROW. The 6-foot wooden fence continues along the south and north sides of the site up to the back of the pump station building. The applicant has agreed to bring the fence up to the front of the pump station, which brings the screening of the side yards into compliance with the UZY screening requirements for a non-residential use abutting residential zoning. The pump station building is located 13-feet 8- inches west of the Ferrell Drive ROW, which is not in conformance with the "TF-3" zoning district's required 25-foot front yard setback. The applicant will file for a variance asking to be allowed to have a 15-foot setback if the Conditional Use is approved and after the site has been replatted. The proposed 15-foot setback would match the "TF-3" zoning district's street side yard setback. The applicant has stated that for maintenance, keeping the building close to the wet well and valve vault is necessary and that wet well needs to be within 8-feet of the curb for maintenance purposes. No landscaping is shown on the site plan, although a note on the plan states that landscaping will be per recommendation. The landscape ordinance requires one shade tree or two ornamental trees every 40 lineal feet along the rear and interior side yards. The site plan shows no lighting on the site.

CASE HISTORY: The site and all the abutting and adjacent properties are all in the Rich's Addition, which were recorded with the Register of Deeds March 24, 1886. The concept of reverting 15th Street North into a reserve and locating the sanitary sewer pump station in it has been presented to the abutting and adjacent single-family residences and DAB VI. The single-family residences have not registered objections. DAB VI approved the concept at their May 2, 2005 meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family residences
SOUTH:	"TF-3"	Single-family residences
EAST:	"TF-3"	The Little Arkansas River, North High School, Single-family residences
WEST:	"TF-3"	Single-family residences

PUBLIC SERVICES: The site has access to Ferrell Drive and Jeanette Avenue, both two-lane, paved residential roads. There are no traffic counts at this intersection. City water and sewer are available at the site, as are all other utilities.

CONFORMANCE TO PLANS/POLICIES: The Wichita Functional Land Use Guide identifies this area as "urban residential". The pump station is a public facility classified as a major utility. Major utilities are needed to provide the general public with electricity, gas, heat, steam, communication, rail, transportation, water, sewage collection and other similar services. The proposed pump station will replace an existing 78-year old facility and provide more efficient service, plus reduce the possibility of sewage polluting the river and the area. A major utility is permitted as a Conditional Use in all zoning districts.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the site being replatted within one year, a variance being filed for the Ferrell Street setback, and the following Conditional Use restrictions:

- A. The applicant shall obtain all permits necessary to construct the sanitary sewer pump station, prior to the operation commencing.
- B. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- C. A landscape plan must be submitted and approved by the Planning Director prior to operations beginning. A revised site plan will show the 6-foot wooden fence extending up to the front of the pump station building. It will also reflect the action taken by the BZA in regards to the Ferrell Street side setback. All proposed lighting shall comply with Art.IV, Sec.IV-B,4 of the Unified Zoning Code. No proposed pole lights shall be taller than 14-feet and the site shall be limited to one. The site plan will contain the note that the pump house building will be constructed of concrete, with vinyl siding, a gable roof, painted in earth tones and resemble a residential garage.
- D. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is established, single-family residential. The properties surrounding the subject property are zoned "TF-3". The Little Arkansas River forms its east boundary, with North High School just across the river from the site. Minisa Park, with its outdoor full court basketball court, community center and swimming pool is a block south of the site.
2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as a 100-foot long, sand and gravel residential street that connects Jeanette Avenue to Ferrell Drive. With the exception of paving and curbing the site, it will never be more than a 100-foot connection of Jeanette to Ferrell, as this road will never be extended over the river by a bridge. Its proposed use as a pump station site will provide a more essential service to the neighborhood in a more efficient manner than the 78-year old facility it replaces. The proposed facility will reduce the danger of pollution due to leaks or equipment breakdown.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residentially-zoned properties in the area should be minimized by the conditions of the Conditional Use, which should limit noise, lighting, and other activity from adversely impacting these properties. Replacing the existing 78-year old facility and its gravity main with the new facility and its force main will provide a cleaner more efficient service for the area. Reverting the site from unimproved ROW to a reserve will have a minimal impact on vehicular traffic in the area
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wichita Land Use Guide identifies this area as "urban residential". The Water and Sewer Department has identified this site as a more efficient site for providing service to the area than the site the existing 78-year old facility is now located on, which the proposed pump station will replace.
5. Impact of the proposed development on community facilities: This pump station will provide more efficient service to the area with less possibility of sewage polluting the river and the area. Water and Sewer has stated that the biofilter in the vent stack and its location by the river will be a more effective method of odor control.

MCKAY This is a platted street, and we are going to vacate that street?

LONGNECKER Yes, this is a platted street and the street is going to be vacated by repatting it and the abutting southern and northern properties. Both of the abutting properties are developed as single-family residences. Both are zoned "TF-3" duplex and will remain as residences after they are replatted. The street will become a reserve by the replat. The abutting properties' "TF-3" zoning will move into the vacated right-of-way during the replatting process. I also need to note that instead of seeking a variance to allow a 15-foot street side setback, the applicant will be establishing it as a platted setback during the replatting process, as long as there is no protest during the next two-weeks.

MCKAY I want to know how the abutting property owners have been compensated.

LONGNECKER Both the abutting properties have agreed to give up their reversion rights and participate in the replatting of their lots. In the case of the northern abutting property owner, there are some right-of-way encroachment issues that can be cleared up with the replat of his property. The property owner to the south had vacated of 10 foot of this right-of-way back in 1986, so this will provide a cleaner record for her property. Both property owners are here today and I'll allow them to answer the compensation question, because I am not privy to compensation beyond what I've just told you.

DUNLAP What was the vote at the DAB?

LONGNECKER The DAB voted unanimously to approve the request.

JOE BONTINELLY Water and Sewer Department, I think the main issue for the Water and Sewer Department for the immediate neighborhood would be the issue of odor control. We propose that there is only one vent stack from the station and that will be located off site across Ferrell Drive on the riverbank concealed in the trees. It will have an odor control bio-filter in it, which has been used successfully with much larger projects than this one.

DUNLAP Since we have had a site at North High School since 1927, why can't this go there?

BONTINELLY The current gravity line going across the river is old and needs to be replaced. It is a suspected pollutant to the Arkansas River. The location of the pump station on the 15th Street site will allow us to replace the old line with a force main, which

is a trench-less installation. If we remained at the North site, we would have to trench under the river and the subsequent cost of the trenching across the river is not as cost effective as this proposal.

DELORA M. DONOVAN, 1559 Ferrell Drive I was here in 1986 asking to have 15th Street closed, and it was approved by MAPC but when it went to WCC, they chose not to close that street. The street serves no purpose at all, it goes nowhere, and it is not paved. I would much rather to have it closed and I do not want to participate in the cost of paving it. I was thankful for the easement that they gave me, along 15th Street, as it allowed me to build a garage. I am in support of closing 15th Street and putting in a pump station there, and the sooner you close it the better.

BARRY L. DAVIS, 1600 JEANETTE I am also in support of this project and want to thank the staff for all their hard work. It will be great compensation for me to get these property lines redrawn and platted properly. I do not think anyone will protest the proposed 15-foot setback along Ferrell; I certainly won't. As it is, you would have to go through my house to get to the proposed pump station. I've got lots of documentation on my property in regards to my house and how it got there. As for compensation, if the City wants to give me more property I'll gladly take it, but I am satisfied with the proposed pump station development and the replatting of my property.

MOTION: To approve subject to staff recommendation.

MITCHELL moved, **ALDRICH** seconded the motion, and it carried 11-0.

6. **Case No.: ZON2005-32** – Velma Winsby Real Estate Trust c/o Velma Winsby (owner), Rob Hartman c/o PEC (agent) Request Sedgwick County Zone change from “SF-20” Single-family Residential to “LI” Limited Industrial on property described as;

A tract of land in the Southeast Quarter of Section 33, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as: Commencing at the Northeast corner of the South Half of the Southeast Quarter of Section 33, Township 26 South, Range 2 East; thence bearing S 00 degrees 00'00"W, along the East line of said Section 33, a distance of 60.00 feet to the point of beginning; thence bearing N 89 degrees 22'26"W, parallel with the North line of said South Half, a distance of 771.99 feet; thence bearing S 00 degrees 00'00"W, parallel with the East line of said South Half a distance of 1207.3 feet; thence bearing S 89 degrees 19'11"E, parallel with the South line of said South Half, a distance of 772.00 feet to a point on the East line of said Section 33; thence bearing N 00 degrees 00'00"W, along the East line of said Section 33, a distance of 1208.04 feet to the point of beginning. Generally located Northwest of 29th Street North and Greenwich Road.

BACKGROUND: The applicant is requesting to rezone a 21-acre tract from “SF-20” Single-family Residential to “LI” Limited Industrial for limited industrial uses. No specific users are identified for the tract. The property is located north of 29th Street North and west Greenwich Road.

North of the application area is SF-20 zoned property used for agriculture. East of the site, across Greenwich, is RR zoned property developed with a single-family residence and agriculture. Southeast of the site, across Greenwich is 160 acres zoned SF-20, but approved for LI under PO #74 in 2000, and awaiting platting. South of the site is the Regency Park industrial development, rezoned to LI in 2000, and under Protective Overlay PO #13. Southwest of the site is an LI zoned, city owned soccer field complex. West of the site is property zoned SF-5, owned by the city, and proposed as a ball field complex. Further to the west is the LI zoned Jabara Airport.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: “SF-20”	Agriculture
SOUTH: “LI”	Industrial park, soccer complex
EAST: “RR”	Agriculture, single-family residential
WEST: “SF-5”	Future playing fields

PUBLIC SERVICES: Greenwich is a paved two-lane arterial at this location with a 100-foot right-of-way (ROW). The 2030 Transportation Plan of the Comprehensive Plan designates this portion of Greenwich to remain a two-lane arterial; the CIP has no projects for this portion of Greenwich. No traffic counts exist for this portion of Greenwich or 29th. 29th Street North is a paved two-lane local road at this location with a 148-foot ROW. This portion of 29th has a landscaped median and dead ends with access to the soccer complex.

All other normal services are available at this location.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Functional Land Use Guide” of the 1999 *Update to the Wichita/Sedgwick County Comprehensive Plan* identifies the property as an “Employment/Industry Center”.

The Industrial Locational Guidelines of the 1999 Update to the Comprehensive Plan recommend that industrial uses: (1) should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing industrial uses; (2) should not feed directly into local streets in residential areas; and (3) should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.

RECOMMENDATION: The Functional Land Use Guide recommends this tract for an “Employment/industry Center”. This portion of Greenwich, north of K96, has become a clean industry corridor; the Regency Park industrial development to the south was

approved for LI zoning with a protective overlay, likewise, two re-zonings southeast of this site have been approved for LI zoning with protective overlays. This site will abut an SF-5 -zoned sports complex to the west; RR zoned property east of the site, across Greenwich, is planned to develop residentially within the 2030 Urban Growth Area.

Impacts of industrial uses on the sports complex to the west and potential residential to the north and east can be mitigated with a protective overlay. To mitigate industrial uses, a proposed protective overlay incorporates provisions consistent with those in effect for Regency Industrial Park, and two properties southeast of the site approved for LI zoning. Because this site is unplatted, planning staff and the transportation engineer recommend that transportation improvements be addressed at the time of platting.

Based on the information available prior to the public hearing, planning staff recommends that the request for "LI" Limited Industrial zoning be APPROVED, subject to platting within one year and subject to the following Protective Overlay conditions:

1. All uses permitted by right in the "LI" zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; recycling collection station, private and public; recycling processing center; kennel, boarding/breeding/training; night club in the city; night club in the county; pawn shop; secondhand store; sexually oriented business in the county; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; transfer station; and grain storage. For any use with 100,000 square feet of floor area, a traffic study shall be prepared. The City Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards: (1) no outdoor storage or work areas shall be permitted in any building setback; (2) no required off-street parking space or loading area shall be utilized for storage; and (3) items stored outdoors shall be screened from view from 29th Street North, Greenwich Road or any residentially zoned property.
4. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along 29th Street North, Greenwich, and any residentially zoned property.
5. Minimum setback requirements shall be 35 feet along Greenwich, and 25 feet along all local streets.
6. Maximum height of 55 feet for all structures.
7. All signs shall be limited to signs that would be allowed in the "LC" Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting Greenwich.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding property to the east and most of the north is zoned "RR" or "SF-20" and is in agricultural or residential use. The property west of the site is zoned "SF-5" and designated for a sports complex. South of the site is the Regency Industrial Park under PO #13. This portion of Greenwich has seen several industrial re-zonings with protective overlays.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-20" Single-family Residential and currently used for agriculture. This property could continue to be used for agriculture or low-density residential as currently zoned. However, this site is within an emerging clean industry corridor along Greenwich Road, with close access to K-96.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The main affect would be the potential for industrial uses to have a negative impact on the abutting sports complex, or on future residential developments to the north or east. The proposed PO with use restrictions, screening requirements, and setback requirements should mitigate any impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Functional Land Use Guide" of the *Wichita/Sedgwick County Comprehensive Plan* identifies the property as an "Employment/Industry Center". The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses: (1) should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing industrial uses; (2) should not feed directly into local streets in residential areas; and (3) should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. The proposed rezoning is in conformance with the Comprehensive Plan.
5. Impact of the proposed development on community facilities: This proposed development would create additional traffic on Greenwich Road. Traffic improvements will be addressed at platting; the development will most likely generate the need for road improvements and adding accel/decel lanes.

MCNEELY On page 3 of staff report, Condition #1, we recommended a traffic study be prepared for any use with 100,000 square feet of floor area. Between (discussion with) the applicant and the City Traffic Engineer, we see a traffic study has already been done on this portion of Greenwich from Kellogg to Highway 254. So we would recommend that sentence be eliminated from the Protective Overlay.

DUNLAP Greenwich Road must be widened from K-96 to Highway 254.

MOTION: To approve subject to staff recommendation and remove sentence from condition #1 concerning the traffic study.

BARFIELD moved, **MCKAY** seconded the motion, and it carried 11-0.

7. **Case No.: ZON2005-31** - Charles Wilkes, Christopher Stong, Pat Peppard, Patrick Deugaw (owners/applicant)
Request Zone change from "LI" Limited Industrial to "CBD" Central Business District on property described as;

Lots 86 and 88, and the North 5 feet of Lot 90, EXCEPT the West 10 feet thereof taken for street, Fifth Avenue now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, except that part described as follows: Beginning at a point on the South line of Lot 84, Fifth now Santa Fe Avenue, Fifth now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, which point is 23.08 feet East of the center line of Commerce Street in Wichita, Kansas, thence South 0.96 feet; thence East parallel to the South line of said Lot 84 a distance of 5.1 feet; thence North 0.96 feet to the South line of said Lot 84; thence West along the South line of said Lot 84 to the point of beginning.

Lot 90, except the North 5 feet thereof, and except the West 10 feet thereof for street; together with the North 7.5 feet of Lot 92, except the West 10 feet thereof for street, on Fifth, now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, together with the West Half of vacated Santa Fe Avenue adjoining on the East.

Lot 98 except the North 6.14 feet and the North 10.1 feet of Lot 100 except the West 10 feet thereof for street and the West 40 feet vacated street adjacent on the East, on Fifth, now Santa Fe Avenue, N. A. English's 3rd Addition to Wichita, Sedgwick County, Kansas.

Lots 104, 106 and 108, on Fifth Avenue, now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas.

Lots 13 and 14, Fletcher's 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located East of Commerce and south of Waterman.

BACKGROUND: The applicants request a zone change from "LI" Limited Industrial to "CBD" Central Business District on four properties located east of Commerce, and between Waterman and Kellogg. Each of the applicants wish to continue existing businesses within their buildings, and wish to develop residential uses. Residential use is not permitted in the LI district, but is permitted in the CBD district.

This portion of South Commerce contains warehouse buildings dating back to the 1890s, and has more recently been developed as an art gallery district. The surrounding area is generally zoned LI between St Francis and the railroad tracks. The surrounding land uses include parking, warehousing, retail, office, and residential uses. East of these properties is the BNSF Railroad tracks.

The CBD zone allows most uses permitted in LI, but has no setback or parking requirements, and permits residences.

CASE HISTORY: The properties were platted as lots within the English's 3rd Addition, and Fletcher's 2nd Addition in 1873 and 1887. The blocks west of St Francis Street were rezoned to CBD; most properties between Commerce and the railroad tracks, between William Street and Kellogg, chose to retain LI zoning at that time.

ADJACENT ZONING AND LAND USE:

NORTH: "LI", "CBD"	Warehousing, art galleries, retail, residential
SOUTH: "LI"	Warehousing, art galleries, retail
EAST: "LI"	Railroad tracks
WEST: "LI", "CBD"	Parking, warehousing, retail

PUBLIC SERVICES: The subject properties have frontage along Commerce, a paved two-lane local street with a 40-foot right-of-way. All normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this area as "Downtown Regional Center". The application area is within the Downtown Arena Neighborhood District; a plan for that district is currently underway and should be completed by May of 2006. Staff anticipates that the proposed business and residential uses will be consistent with that plan. The 1989 Development Plan for Downtown Wichita does not address this portion of South Commerce specifically, but does recommend mixed-use development, including residential and retail mixtures.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding zoning is primarily LI between St Francis Street and the railroad tracks, and then CBD west of St Francis. The surrounding land uses include parking, warehousing, retail, office, and residential uses. East of these properties is the BNSF Railroad tracks. The application area is within a designated area currently being planned as the Arena Neighborhood District. The proposed rezoning is compatible with the zoning, uses, and character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The subject properties are zoned LI, and could continue to be used for existing businesses. However, the LI district does not permit residences, there is a growing demand for residential conversions in this general area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed rezoning should have no detrimental affects on nearby property, other nearby property is zoned CBD and developed with residential and mixed uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this area as a "Downtown Regional Center". The proposed rezoning is consistent with the Comprehensive Plan, the Downtown Plan, and it is anticipated that the proposed zoning will be consistent with the developing Arena Neighborhood Plan.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: To approve subject to staff recommendations.

DUNLAP moved, **MITCHELL** seconded the motion, and it carried 11-0.

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8. **Case No.: CON2005-31** – Shawn Hutchinson; Confederated Builders, Inc. c/o Dilan Johns Request Conditional Use for printing and publishing general on property zoned "LC" Limited Commercial on property described as;

Lot 8, except the north 195.92 feet thereof, and Lot 9, except the south 213 feet thereof, together with that part of vacated Kendel Place adjoining said Lots 8 and 9, all in Sunnyside Gardens Third Addition, Sedgwick County, Kansas. Generally located North of Central on the east side of Gilda (720 N. Gilda).

BACKGROUND: The applicant is seeking a Conditional Use to permit "printing and publishing, general" on a platted lot located east of Gilda, approximately 300 feet north of Central Avenue. The applicant operates a sign company that makes vinyl lettering and graphics. The lettering and graphics can be used as signage, awnings or as magnetic advertising, etc. The vinyl comes in rolls, and the applicant uses a computer to design, plot and cut the design out of the vinyl material. Chemicals are not used in the production of the signage. (Central Inspection has determined that the low impact characteristics associated with this use make it more like printing and publishing than a manufacturing use.) The property is zoned LC Limited Commercial. "Printing and Publishing, General" is allowed in the LC district with a Conditional Use.

The site is developed with an existing building. The applicant intends to add a new 1,410 square-foot addition to the south side of the existing building in which to conduct the proposed use. There is an existing access drive to the site off of Gilda. The parking area already exists. A landscaped street yard will be required since the site is located across the street from single-family zoning.

Property to the north and south are zoned LC Limited Commercial and used for commercial purposes. The property to the west is zoned SF-5 Single-family Residential and developed with residences. The land to the east is developed with I-235.

CASE HISTORY: A vacation case removed "Kendel Place" street that used to run through the approximate center of the application area.

ADJACENT ZONING AND LAND USE:

NORTH: LC Limited Commercial; roofing company
SOUTH: LC Limited Commercial; auto repair
EAST: I-235 Highway; Interstate highway
WEST: SF-5 Single-family Residential; single-family residences

PUBLIC SERVICES: All public services are available. Gilda has 30 feet of half-street right-of-way, and serves as the exit ramp/frontage road for southbound I-235 to Central Avenue.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts this site as appropriate for "local commercial." This land use category is intended for uses that contain a mix of commercial, office and personal services that do not have a significant regional market draw. On a limited presence basis, these areas may also include light manufacturing uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties north and south of the application area are zoned Limited Commercial; properties to the west are zoned Single-family Residential. There are commercial uses located east of Gilda while single-family residences are located to the west. Gilda is used as an exit ramp for I-235 as well as providing access to properties abutting Gilda. The character of the area is one of mixed uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, which allows a significant number land uses by- right, including most retail commercial uses not requiring outside storage or display. The site could likely be used as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is already zoned LC, which allows a broad range of retail commercial uses. Approval of this request should not negatively impact nearby property to any appreciable extent since the proposed printing and publishing use is conducted inside, does not employ any production techniques that create noise, dust, odor or electrical interference.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would likely create an economic hardship for the applicant. Staff does not see any negative impact to public health, safety or welfare if the request is approved.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is consistent with adopted plans since the site is depicted on adopted maps as appropriate for local commercial uses.
6. Impact of the proposed development on community facilities: With the construction of a new commercial building, traffic will increase from the site, but not to a degree that can be handled by current and proposed facilities.

MOTION: To approve subject to staff recommendations.

DUNLAP moved, **MITCHELL** seconded the motion, and it carried 11-0.

9. **Case No.: CON2005-28** –B & A Partnership, Lindy Andeel and Dave Bayouth, Partners (owner); Natures Plant Shop, LC (Nature's Way) c/o John Brown (lessee) Request Conditional Use for nursery and garden center on property zoned "LC" Limited Commercial (expansion of CON2005-30) on property described as;

Parcel 1: A tract of land lying within Lot 1, Ruth 2nd Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at a point on the East line of said Lot 1, a distance of 98.81 feet north of the Southeast corner thereof, said point being on the North right-of-way line of US 54 Highway; thence along said right-of-way line S 89 degrees 24'09" W, a distance of 139.61 feet to a point on the West line of said Lot 1; thence northeasterly along said West line on a curve to the right having a radius of 598.20 feet and a chord which bears N 11 degrees 31'16" E, a distance of 41.80 feet, an arc distance of 41.81 feet to the Northwest corner of said Lot 1; thence along said North line N 89 degrees 14'20" E, a distance of 130.53 feet (measured), S 89 degrees 51'30" E, 130.75 (platted) to the Northeast corner of said Lot 1; thence along the East line of said Lot 1, S 01 degrees 00'57" E (measured) S 00 degrees 04' E (platted), a distance of 41.24 feet to the point of beginning.

Parcel 2: A tract of land lying within Lot 1, Dry Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at a point on the East line of said Lot 1, a distance of 100.31 feet north of the Southeast corner thereof, said point being on the North right-of-way line of US 54 Highway; thence along said right-of-way line S 89 degrees 24'09" W, a distance of 174.42 feet to a point on the West line of said Lot 1, said point being 100.81 feet north of the Southwest corner of said Lot 1; thence along said West line, N 01 degrees 00'57" W, a distance of 41.24 feet; thence continuing along said West line, N 04 degrees 49'58" E, a distance of 8.08 feet (measured), 8.04 feet (platted); thence continuing along said West line, N 89 degrees 24'38" E, a distance of 18.18 feet (measured), 18.20 feet (platted); thence continuing along said West line, N 01 degrees 00' 57" W, a distance of 91.98 feet (measured), 92.00 feet (platted) to the Northwest corner of said Lot 1; thence along the North line of said Lot 1, N 89 degrees 15'16" E, a distance of 155.37 feet (measured), 155.40 feet (platted) to the Northeast corner of said Lot 1; thence along the East line of said Lot 1, S 01 degrees 02'05" E, a distance of 141.67 feet to the point of beginning.

Parcel 3: That part of Lot 2, Ruth Addition to Wichita, Sedgwick County, Kansas, described as beginning 174.4 feet west and 150 feet north of the Southeast corner of said Lot 2; thence West parallel to the South line of said Lot 2 to the East line of Bonnie Brae Street; thence northeasterly along the East line of Bonnie Brae street to the Northwest corner of said Lot 2; thence east along the North line of said Lot 2 to a point 164.4 feet west of the Northeast corner of said Lot; thence south to the point of beginning; TOGETHER WITH beginning at a point established as follows: From the Southeast corner of Lot 2, in Ruth Addition to Wichita, Kansas, Sedgwick County, Kansas, measure right along the South line of said Lot, 174.4 feet; thence north parallel to the East line of said Lot, 150 feet west; thence northeasterly along a line which would intersect the North line of said Lot at a point 164.4 feet west of the Northeast corner of said Lot to a point which is 92 feet south of the North line of said Lot for the point of beginning; thence from said point of beginning northeasterly to a point on the North line of said Lot 2 which is 164.4 feet west of the Northeast corner of said Lot; thence east 9 feet; thence south parallel to the East line of said Lot, a distance of 92 feet; thence west 19 feet, more or less, to the point of beginning, all in Lot 2, Ruth Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located On the northeast corner of Kellogg Drive and Bonnie Brae.

BACKGROUND: The applicant is requesting a Conditional Use to expand an existing nursery and garden center business, Nature's Way, westward to Bonnie Brae Street from its current operation on the north side of Kellogg Drive and west of Gypsum Creek. The property is zoned "LC" Limited Commercial. The existing Conditional Use (CON2003-00030) was approved for the adjoining property two years ago. It has a retail building plus some outdoor display area and parking spaces to the east and north of the building. Nature's Way was relocated to this site due to acquisition of its former site by the City of Wichita for Kellogg freeway construction.

The expansion would include an outdoor display and storage/work area to the west of the retail building, additional parking and an additional smaller building. According to the lessee, the second building could be used for indoor storage or perhaps leased to

another tenant for retail or restaurant uses. The leasing to another tenant would be an allowable use with the current "LC" zoning so long as adequate parking spaces for the additional use was available, and so long as Nature's Way had adequate display/storage space on the remaining property.

The expansion site is located on the north side of Kellogg Drive and east of Bonnie Brae Street, which is a dead-end street extending 100 feet north of Kellogg Drive. A hotel is located west of the site, and Bonnie Brae, a single-family residential neighborhood, is located north of the site.

The site plan submitted with the application included an outdoor display space of approximately 5,440 square feet that occupied all the area between the existing Nature's Way retail building and the vacant building to the west and a strip of parking between the display area and Kellogg Drive. However, the owner of Nature's Way has indicated that he would like to modify this site plan to make the display area more compact. The revised site plan would leave sufficient room for a single row of parking along the northern edge of the property, allow a double row of parking between the new display area and the vacant building to the west, but eliminate parking between the display area and Kellogg Drive. Total amount of parking available would be 74, including 38 additional parking spaces on the expansion site (CON2005-00028) to add to the 36 spaces shown on the original site (CON2003-00030). The Nature's Way retail and outdoor display and storage would require about 55 spaces to meet its parking requirements. This leaves a balance of about 19 spaces to accommodate additional uses in the vacant building near Bonnie Brae Street. General retail use of the building would absorb all the additional parking. Restaurant use would require more parking than is available onsite.

The applicant proposes a wrought iron fence that is six feet in height to enclose the outdoor display and storage space. Landscaping is shown along Kellogg Drive and buffer trees are located along the northern property line. Also, an existing six-foot wood fence is located along the northern property line.

The Unified Zoning Code contains 11 Supplementary Use Regulations (see attached) for outdoor nurseries and garden centers located on property zoned "LC" Limited Commercial. The applicant proposes a modification to one of the Supplementary Use Regulations. Section III-D.6.z(3) requires a 25-foot setback from public right-of-way for the outdoor display area; however, the applicant proposes a setback of 20 feet for the outdoor display area. A Supplementary Use Regulation can be modified by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff recommends the proposed modification of this requirement for the fenced display area since the fence will ensure the display does not extend to the right-of-way and since other relocation projects along Kellogg Drive have been granted relief on landscaping/setback type of requirements due to the right-of-way acquisition impacts.

CASE HISTORY: The property includes a portion of Ruth Addition, platted July 15, 1959, Ruth Second Addition, platted April 7, 1983, and Dry Addition, platted January 19, 1970.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5"	Single-family residential
SOUTH: "LC", "GC"	Retail, vehicle sales
EAST: "SF-5", "LC"	Existing Nature's Way business, Gypsum Creek,
WEST: "LC"	Hotel, vacant retail site

PUBLIC SERVICES: The subject property will have access to Kellogg from the Kellogg Drive frontage road. Other normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "regional commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request conforms to the Land Use Guide and Commercial Locational Guidelines of the Comprehensive Plan. The Unified Zoning Code contains 11 Supplementary Use Regulations for nurseries and gardens centers located in the "LC" Limited Commercial zoning district. The request conforms to all the Supplementary Use Regulations except the 25-foot setback for outdoor display that must be approved by the Wichita City Council.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The seasonal nursery and garden center shall conform to all requirements of Section III-D.6.z. of the Unified Zoning Code, except that a setback of 20 feet for the fenced outdoor display area shall be allowed along Kellogg Drive.
2. A revised site plan shall be prepared to designate a single row of parking along the northern property line and an outdoor display/storage area extending from the building and display/storage on CON2003-00030 west to about 65 feet east of the existing vacant building, and a double row of parking located between the display/storage area and the vacant building.
3. The area devoted to outdoor display/storage shall be screened from the adjoining residential neighborhood with a solid fence in compliance with the UZC screening standards (Art. IV, Sec. IV-3) at least six but not more than eight feet in height along the northern property line, and shall be enclosed within the wrought iron fenced area designated on the approved site plan. No materials except live plants and garden ornaments such as trellises that exceed this height shall be stored higher than the height of the screening fence, and the outdoor storage area shall be screened from view of Kellogg Drive. Pots, timbers, mulch, rock materials and similar non-living materials shall not be stored higher than the height of the fence and shall not be stored in the parking spaces.
4. Trash receptacles shall not be located closer than 20 feet to the north property line.
5. Lighting standards shall be limited to 14 feet in height including poles, fixtures and base within 100 feet of the north property line.
6. No trailers or portable storage containers shall be stored in the parking spaces along the northern property line or in violation of the outdoor display and storage regulations for the "LC" Limited Commercial zoning district.

7. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
8. The site shall be developed in general conformance with the approved site plan.
9. A landscape plan shall be submitted to comply with the Landscape Ordinance within 60 days of approval of the Conditional Use. Installation of landscaping shall be completed within 180 days of approval of the Conditional Use on the north property line and within 180 days of approval of the Conditional Use or completion of the Kellogg freeway construction project on the south property line.
10. Construction of other improvements shall be completed within one year of approval by the appropriate governing body.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area to the south, east and west is zoned "LC" Limited Commercial and "GC" General Commercial and is developed with similar retail and commercial uses. The area to the north is zoned "SF-5" Single-family Residential and developed with single-family residences. The request is consistent with the zoning, uses, and character of area to the east, south and west.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial and is suitable for other "LC" type of uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code, including but not limited to the specific restrictions on lighting and noise of the supplemental regulations for nursery and garden center, and the buffer requirements of the Landscape Ordinance should limit noise, lighting, and other activity from adversely impacting residential area to the north.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "regional commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request conforms to the Land Use Guide and Commercial Locational Guidelines. The Unified Zoning Code contains 11 Supplementary Use Regulations for nurseries and gardens centers located in the "LC" Limited Commercial zoning district. The request conforms to all but one of the Supplementary Use Regulations.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

BISHOP I know there were concerns about music and loud speakers, is there anything in the conditions regarding these concerns?

GOLTRY No there was not. I had deferred it to the Unified Zoning Code requirement for noise, which is in effect from the Unified Zoning Code.

DUNLAP Is this picture a picture of the right-of-way?

GOLTRY I think it is part of the old Bonnie Brae right-of-way on the north side, because they tore out the north part of Bonnie Brae and then barricaded the closing between the two sides. When the original site plan was filed, a previous agent had been working on the site plan and he had actually connected the outdoor storage area all the way from this building (indicating the building nearest Bonnie Brae) over to the existing building, and the parking was along the north property line and along the south edge of the outdoor storage area. The site plan didn't allow circulation between the building near Bonnie Brae and the outdoor storage area.

JOHN BROWN, NATURE'S WAY, 8474 E. KELLOGG, WICHITA KS 67207 Applicant I have pictures for the record and to share with the MAPC today. Basically, all of the issues that the neighbors' have brought up at the DAB meeting, I don't have a problem solving them. I guess lighting is one issue and I ordered lighting from Westar about 9 months ago and they told me that it was a low priority for them. And, they finally came out right before the DAB meeting to install them. These new lights, from my understanding, do not shine backwards and Westar can even shield them more by painting the back of them if that is necessary. The lights that I think were the problem were lights that I put up because there were so many thefts that we had. They were temporary lights but those lights are no longer in use. National Tire and Battery was there and I have not moved those lights installed by National Tire and Battery. I see how one of those lights shines into the neighborhood and I think I can adjust the light to point more towards our building. I think a tree came down in the ice storm and that is why it caused problems that it didn't cause before.

I have pictures of the way the street Bonnie Brae is today. The issue with the dust, I have already paid for our construction to pave all of this (pointing to the onsite parking lot and storage area), but they said they can't do that effectively until Bonnie Brae is put in, so they can connect all of that together. The condition of Bonnie Brae, the street the way that the city has left it to put in the sewage, they have left it that way.

As far the outdoor speakers that we play during the day, they have been left on overnight. If I can't have music outside at all anytime, I will eliminate that. But they will not be left on overnight anymore.

I have moved the dumpster and I have moved all the other work items that were left against the fence.

DUNLAP Do you believe that you have addressed the lighting problems?

BROWN I think there is probably a problem with the light that was there on the property from National Tire and Battery; it is also a problem. And I think I can have that light adjusted so it will solve all the problem. I have not gotten any feedback about the lights that Westar has put on the poles, except that it is better, but I don't know if it is adequate or not. Westar informed me that they can be shielded, painted on the back, so that no light goes backwards at no charge.

DUNLAP Did you say you already paid for Bonnie Brae to be paved?

BROWN No, there are areas of this lot and my lot that aren't paved, and along with the renovations to that building, I paid to pave all that, which will eliminate the dust at least for as far as it relates to my property. But Bonnie Brae, the City has decided that they are going to put it back in and have given the contract to Cornejo.

DUNLAP I did hear you say that if the music is a problem, you just won't have it?

BROWN Outside, that is correct.

GREG BARKER, BONNIE BRAE HOMEOWNERS ASSOCIATION, 8236 MORNINGSIDE DRIVE 67207 My home does not directly about this business. Let me say, overall, that we are not opposed to the business, but our position is that until there is compliance with the existing Conditional Use Permit from 2003, we are opposed to an expansion of a future Conditional Use. We think this can and will be done and, in fact, we believe that John Brown has made some progress during the past week. We are asking this item be deferred until there is full compliance with the original 2003 CU permit before the proposed extended Conditional Use is approved.

HENTZEN Do you know what the city's completion date is on east Kellogg? Will it go clear past this area?

BARKER I heard November of 2005, but I can't confirm that.

ERNEST CASTRO, 8321 PEACH TREE LANE, WICHITA, KS 67207 I am the second home west of the business. I want to make sure the lights are also focused in such a way that they don't go west. We have talked about shielding them north but I am west. Mr. Brown has been very cooperative. There was one light that was coming directly into my living room. I went over to tell him and he brought it down and they gave me a new plant. If there is any problem with drainage, hopefully they will take care of that. That alley does go behind the Williamsburg Inn, and will be going into what they call West Bonnie Brae and I am hoping they will put a drain in there.

JOHN KENT, 8407 Peach Tree I live directly north of the proposed site. I have been there about 18 years. Two years ago I was at this meeting, and brought up a few points regarding the business and what the business would consist of. I am concerned about how every portion of that property is going to be utilized. In the past, it has been just let go and until it was forced to be cleaned up, it was let go downhill. The additional building that is being proposed, no use is proposed at this point but there are some options that have been thrown out. I would like to know how that building might be used. The area around that building, it doesn't look like we are showing anything to the north of that building, but I would assume that portion of the property is going to be used for something. I would just ask that it be defined to the point where we know what is going to be done over there and how it is going to be used. I would also like to see OCI come out more often to inspect the property to assure that what is supposed to be done is being done. There is one light that is shining into my backyard, and this was prior to John taking over, and he said he would fix it and nothing happened. The lighting issue is not resolved. The new lighting that was just recently put up is an improvement, it is on the property line facing away from Bonnie Brae, so that is a big improvement. The music is a concern, I hear it out on my patio just about every evening. I would like to know what the landscape buffer is going to consist of, and does that landscape buffer extend north of the new building that he connects to?

JOHN BROWN As far as what that building is going to be used for, it will probably be retail space. I don't think there is enough parking for the restaurant, and I have a lease and a sub-lease option for that entire land from the west side of my existing building through that building. I don't need the building but I need the land and the access. The owner of the building wants a restaurant there because they sort of implied to the hotel that there would be one there. I don't think there will be enough parking. Right now, a motorcycle shop is looking at it. I will turn off the outside speakers so they won't play outside anymore. The light he spoke about, I already called a sign company to come and adjust it.

Having some sort of lights, the lights that are there, there literally was theft two or three times when people would come in when it was dark there and steal. I need some sort of light in order to run a business, and hopefully, I can do that without bothering the neighbors.

SHERMAN How quickly can you resolve the remaining outlying issues for these people? Can you communicate a lot better with the neighbors?

BROWN As far as the dust, that is because of the unpaved areas.

SHERMAN Everything that is under your control you have been able to take care of now? It sounds like you have some problems with the light.

BROWN Assuming that the lights that are now on the property line facing away from the neighborhood are adequate, the only other lighting that I know of is a problem is the light that existed that John (Kent) said is shining in his yard.

SHERMAN Can you get that correct.

BROWN Yes.

SHERMAN How quickly can you get that correct?

BROWN Yes, it should be down tomorrow.

SHERMAN The noise was bothering your neighbors?

BROWN I have an ability to turn off the outside speakers, which I will do. We never had a problem with that. A neighbor from our old location told us that he couldn't sleep because he fell asleep to our music every night.

SHERMAN So you basically can take care of all of their issues?

BROWN The screening is every 30 feet and the issue about a tree every 40 feet, there will be new trees planted but will take a while for them to grow and get big enough to screen.

MITCHELL If I understood one of the neighbors accurately, they would like to see this deferred until you come in compliance with all of the conditions of the previous Conditional Use. Would you object to a deferral?

BROWN No. I don't understand completely. Do I have to make the lights be 14 feet? Westar told me this morning that the lights on the pole will not work if they are that low, so I would have to research other lighting options. I took pictures of the land on this side of the property as the city left it, when they tore out Bonnie Brae. And one of the neighbors today said that we didn't clean all that up until we had to. But a lot of it has to do with it being a transitional situation where the city is still working on it, and that is why there was no urgency to clean it up. The telephone poles and the high grass, that is Bonnie Brae.

MITCHELL If we recommended the 14 foot limitation on lights be removed from the staff recommendation would you then agree to a deferral until all of the previous case and these condition are met?

BROWN Yes.

MARNELL Regarding the lights, I understand the Westar issue on the utility poles, because they can put those on their poles. However I think we should leave the poles that are under the owner's control at that restriction because they are within property. And if you raise those up, then you would have the issue from the other side, so that portion should stay. Those other lights don't belong to this gentleman; they belong to Westar on their own utility poles, there is a distinction. I have a comment about the sound system. If one is needed, as opposed to one in which the speakers are put up on the poles, which is a follow through from the old car dealer lots, there is a solution to that which impressed me. And that is to bring the speakers down and put them down as ground level speakers, which eliminates the problem.

WARNER Are you the lessee?

BROWN That is correct, for this property. The additional Conditional Use is for land that I own.

WARNER Is it the lessee's responsibility or the owner's responsibility to conform with the Conditional Use?

BROWN Everything is the lessee's responsibility with these lessors.

ALDRICH Part of the issue is that a lot of the conditions previously haven't been met, and the applicant is willing to meet those conditions prior to this going further, correct?

WARNER When you say a lot, do you know that for a fact? We don't know what has not been done and what has, do we? So I am not sure that this should be deferred.

GOLTRY The landscape buffering on the north property line has not been installed. And, one of the fine points, if you look at the original site plan, it had what I would consider some unusual placement of trees. It had some little cut outs and atypical of the way people put their trees in. They had some trees in them before and the trees died. Nothing has been replaced. Bear in mind, from the people on the north property line, they have a very nice, large amount of landscaping that protects them from this use. But that still doesn't relieve the responsibility of this use to provide their minimal 1 tree every 40 feet. And so, the new site plan would replace the location of these trees in a little more uniformed alignment. There were other conditions of the original Conditional Use, which had to do with not putting the trash dumpster up next to the property line and not storing gravel and those other types of items and containers along the fence, and in the past, that had been done. Central Inspection went out and visited the site and found those items not in compliance. There has been work done to move toward compliance. They have installed the wrought iron fence on the existing site. They have not installed the landscaping on Kellogg and it would be difficult to do it the way Kellogg Drive has been; it would have been pointless.

DUNLAP How do you feel about the internal lighting fixtures remaining at that elevation? Does that fit the Code well enough to leave the ones on the poles and any additional ones be limited to 14 feet?

GOLTRY I think we should send our inspectors with the light meter out to look at it. Right now they are shining directly north on one of the poles, and those are 30-foot high poles. They were installed by National Tire and Battery, but it is shining into the gentleman's backyard, and another one was shining into another gentleman's backyard, apparently, from today's testimony. If by reorienting them, by turning them around, at the end of the day when they do that with sign company, and they have accomplished keeping the lighting out of the backyard of the neighbors, then I think we have accomplished what we set out to do, which is to avoid light spillage. This is along Kellogg so there is competing interests, You also need good visibility and good security along Kellogg as well.

BISHOP Do you feel comfortable with the applicants promising that they will keep the music off? Is that going to be enforceable?

GOLTRY My feeling is that his use, and I have been there as a shopper as well, benefits in part from his ambiance. And for him to say this today, I am wondering how he will feel about it down the road, if it is going to cause him trouble down the road. As it stands, in the noise ordinance of the UZC, they are not supposed to be hearing his noise. If Commissioner Marnell's suggestion is, in fact, doable and he can have the speakers so that customers can listen to the music during the daylight but Mr. Kent doesn't have to listen to it every night as he goes to bed, then we would be ok. We could say something as basic as "it shall comply with the requirements of the noise code that there not be any noise heard off-site and, furthermore, that no loud speakers shall be operated after a certain time period, I would say after dark.

MCKAY You talking about the winter or summer?

GOLTRY Anytime, you are not out there buying plants outdoors in the dark, other than Christmas trees.

MCKAY I have a question about the screening along the north side of the property. This picture the applicant is showing us today, picture #14, there is a space between the Bonnie Brae fence and the parking, and I am going to guess that it is between 3-5 feet. Looking at the plot plan, it shows the site plan of where the parking is at that we are going to put shrubs in front of, the parking on the Kellogg side. And on the back, there is no requirement there and it doesn't even show in that there is that space (referring to the gap between the edge of pavement and property line).

GOLTRY These (indicating the cut outs on the CON2003-30 site plan) were supposed to be tree wells.

MCKAY According to these pictures, somebody has made an attempt to put something in there. There is a dead tree in one of them.

GOLTRY They were dead.

MCKAY On this one here that shows that there was a tree, it looks like there is 4 to 5 feet between there and the paving. So who owns that land, is that part of this property or does it belong to the Bonnie Brae people?

GOLTRY Part of it is his property. The fence is actually the Bonnie Brae neighbors' property.

MCKAY Is the fence on the property line?

GOLTRY As best they know, yes. My observation was that there was a gap between the paved area and the fence that did belong to Nature's Way's property.

MCKAY Is it going to continue to stay that way? Or the requirement to let them go up to the property line with the paving?

GOLTRY They have a sewer easement that they will have to deal with. They are not moving the parking.

MCKAY If we defer this, at what time does this gentleman have to come back before this body to get it done again? And to defer means it has to come back to MAPC? Can we approve subject to these things happening?

SCHLEGEL You can do it either way.

BARFIELD Is it my understanding that you are willing to work with the neighbors and staff here to comply with the existing conditions as well as the conditions about to approve?

BROWN Yes.

MARNELL If this site is developed as this plan shows with an expanded outdoor storage area and display, and parking lot that goes with all that, it looks like that would clean up any of the trash that is already on this property. It won't resolve Bonnie Brae, and if the City goes in there and completes that stub, that should resolve those issues, correct.

GOLTRY It resolves most of it and actually the area where it is hard to see in the detail what is going on here is actually pavement. So the paving will go close to the property line in that location, so there will be a lot more landscaping required.

MOTION: To approve subject to staff recommendation.

BARFIELD moved, **MARNELL** seconded the motion.

BISHOP I have a question the motion makers? Does that include the restriction on outdoor loud speakers?

BARFIELD I think he has agreed that he would satisfy the neighbors in terms of his music and that he would cease playing the music if that would satisfy them.

MARNELL And they have to comply with the City Ordinance.

HENTZEN I am going to vote in favor of this motion because, I think the applicant has had a hard time out there trying to operate a business while all of that has been going on. He has told us he will comply with the conditions and the DAB voted to approve.

SHERMAN I have a concern about the time element, how far out is this going to go? Are we saying we are going to give him a certain period of time to meet the conditions and then OCI will come in so this doesn't move to the right for a while.

GOLTRY They had already started case in OCI, so they will be following up. And they will be monitoring that case for 30 days.

SHERMAN If you don't defer it, my question is there is no time frame.

GOLTRY What I am saying, OCI is going to be inspecting them to insure compliance with the conditions whether you defer or not.

SCHLEGEL I think a lot of it will depend on the neighbors staying on top of it, staying in contact with the councilmember for this district, and staying in contact with OCI, and letting them know what progress or lack of progress the applicant is making.

MOTION carried 9-2. (SHERMAN and MITCHELL opposed)

TAPE CHANGE TAPE 2 SIDE A

10. **Case No.: DR2005-19** - Request for Proposed Amendment to the Official Oil and Gas Well Map pursuant to Chapter 25.04 Oil and Gas Wells on property described as;

Background: DR81-17 established the Official Oil and Gas Well District Map (approved April 4, 1982 by MAPC and May 8, 1982 by the Board of City Commissioners). According to MAPC minutes, little drilling activity had taken place in Wichita since the 1950s until a request surfaced in the early 1980s and an ad hoc committee evaluated proper procedures for drilling in the city. MAPC felt oil drilling was incompatible with residential and light commercial uses; industrial zoning seemed to be the main criterion for being designated for allowing drilling of oil and gas wells.

The Official Oil and Gas Well District Map has not been updated since 1982. A few inquiries have surfaced, but none has progressed to the point of seeking a Conditional Use for oil and gas drilling until the case (CON2005-00023) heard at MAPC on July 14, 2005. The subject tract of CON2005-00023 is surrounded by land already included within the drilling district boundaries except to the north, but was not included in the 1982 map since the property was unincorporated at the time. It has been an area of drilling in the past. Four producing wells and three dry holes are shown north of K-96 and west of the Pearson tract on the map produced by KBP (Kansas Blueprint, well information dated January 8, 2001). The CON2005-00023 site could be considered an infill of an existing area designated as appropriate for drilling.

A comprehensive review of the 1982 Official Oil and Gas Well District Map would identify the following types of potential changes:

1. More land zoned "LI" Limited Industrial and "GI" General Industrial have been added to the City of Wichita through annexation and rezoning. These areas may be appropriate for inclusion within the Official Oil and Gas Well District Map.
2. Some land previously included has been rezoned to residential or lower intensity commercial districts not intended for drilling activity. A good example is the land in Willowbend that is now zoned "SF-5" Single-family Residential and developed with single-family residences and a golf course. This was property zoned "LI" at the time of the adoption of the Official Oil and Gas Well District Map in 1982.

A comprehensive evaluation of these changes and the appropriateness for altering the map would be a possible future activity for the Advance Plans Committee of MAPC. This particular amendment focused on the appropriateness of the request forwarded by the applicant for CON2005-00023 as well as another nearby property owner. Additional tracts in the vicinity were not included since those property owners had not sought designation. Staff felt inclusion of the other potential areas should await comprehensive evaluation that included all affected property owners in the discussion.

Recommended Action: Based on information available prior to the public hearing, staff recommends approval of expanding the boundaries of the Official Oil and Gas Well District Map to include the properties shown on Exhibit "A".

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The areas designated for addition to the Official Oil and Gas Well District Map are developed with industrial and commercial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The areas designated for expansion of the district are zoned "LI" Limited Industrial, which is a suitable district for Conditional Use approval of oil and gas drilling.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Potential detrimental effects include possible odor, noise from continuous pumping activity if a well is established as well as more significant noise during the drilling phase, and potential for environmental contamination. These adverse effects should be mitigated through the regulatory processes of the Kansas Corporation Commission and the City of Wichita drilling permit process.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide", 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the property as "employment/industry center". The Land Use Guide Map states, "This category encourages concentrations of employment in industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices." DR81-17 established the Official Oil and Gas Well District Map (approved April 4, 1982 by MAPC and May 8, 1982 by the Board of City Commissioners). According to MAPC minutes, the most important factor in developing the map seemed to be heavy industrial zoning. The area is zoned "LI" and the area of K-96 and Hillside has had oil wells in the past. Four producing wells and three dry holes are shown north of K-96 and west of the Pearson tract on the map produced by KBP (Kansas Blueprint, well information dated January 8, 2001). The Official Oil and Gas Well District Map has not been updated since 1982.
5. Impact of the proposed development on community facilities: Additional truck traffic will be present, particularly during drilling, but also over the lifetime of a well to remove the oil after pumping and storage.

BUD HENTZEN I am going to vacate my seat on the bench for this item because I own a business there.

MARNELL Who is the technical expert from the City standpoint that would evaluate the land eligible for being included in this zone?

GOLTRY We do have a geologist in Environmental Health.

DONNA PEARSON MCCLISH I have a couple of questions. I noticed there were two sites. I need clarification how that came about? Is that attached to my request?

DUNLAP What you are looking at here has nothing to do with your request other than changing the map to allow your request.

MCCLISH Changing the map to allow my request and the other proposed site?

DUNLAP Yes. Also, a promise that we will look at the rest of the area and very likely change the map to accommodate other areas to bring them into compliance with what's already there.

MCCLISH For Donna, you said something about a revision to Advanced Plan Committee?

GOLTRY That only relates to looking at other areas, whether it is suitable to include them in the Official Map.

DUNLAP We're not changing your request at all today.

MCCLISH My request today to approve the addition of my property in the Oil and Gas Map, that's what we're dealing, and the other would be separate.

DUNLAP Yes.

MOTION: To approve the expanding of the boundaries of the Official Oil and Gas Well District Map.

MITCHELL moved, **DOWNING** seconded the motion, and it carried 10-0-1. (HENTZEN abstains.)

11. Other matters/adjournment.

DUNLAP We have a light schedule for the first meeting in September and there will be a number of commissioners absent so there may not be a quorum for that meeting.

MOTION: To cancel the September 8, 2005, MAPC meeting.

DUNLAP moved, **MITCHELL** seconded the motion, and it carried 11-0.

DUNLAP The election of officers will take place on September 22, 2005.

The Metropolitan Area Planning Department informally adjourned at 3:45 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2005.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)